

Attorney Docket No.: DEX-0109
Inventors: Macina et al.
Serial No.: 09/700,769
Filing Date: January 4, 2001
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REMARKS

Claims 1-6 are pending in the instant patent application. Claims 1-6 have been subjected to a Restriction Requirement as follows:

Group I, claims 1-6, drawn to methods for diagnosing, staging and monitoring colon cancer in a patient wherein the CSG is SEQ ID NO:3;

Group II, claims 1-6, drawn to methods for diagnosing, staging and monitoring colon cancer in a patient wherein the CSG is SEQ ID NO:4;

Group III, claims 1-6, drawn to methods for diagnosing, staging and monitoring colon cancer in a patient wherein the CSG is SEQ ID NO:5; and

Group IV, claims 1-6, drawn to methods for diagnosing, staging and monitoring colon cancer in a patient wherein the CSG is SEQ ID NO:7;

The Examiner suggests that these Groups do not relate to a single general inventive concept under Rule PCT 13.1 because under PCT Rule 13.2.

Applicants respectfully traverse this Restriction Requirement.

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MPEP § 803.04 clearly states that a reasonable number of nucleotide sequences, normally ten sequences, can be claimed in a single application. Clearly, the four sequences set forth in the instant claims is a reasonable number and further restriction should not be required.

Further, MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the restriction is not required. As the number of sequences set forth in the claims is reasonable according to MPEP § 803.04, inclusion of all sequences in the instant application cannot be considered to place an undue burden on the Examiner if the Restriction is not made.

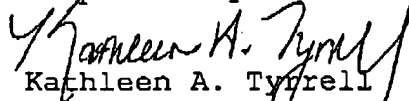
Accordingly, the instant Restriction Requirement does not meet the criteria as set forth in MPEP § 803 to be proper and withdrawal of this sequence election requirement and reconsideration to include a more reasonable number of the 4 claimed sequences in accordance with MPEP § 803.04 is respectfully requested.

However, in an earnest effort to advance the prosecution of this case Applicants elect Group I, claims 1-6 with traverse.

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Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,


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